P 761 96
~~P.F. 61 of 96~~

G. R. S. IX-5]

Previous references. 1895-96.

192 .

(L. R.)

File No. 133 of 95

Serial Nos. 1—14

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. ~~1~~ 1—14

Major ~~Part~~ B for July 1897

SUBJECT.

Dispute regarding lands in the Kiagarak village, Malaundi Taluka.

No 7

WD 2233—GPB—20,000—14-6-20

Rd

Journal

Bsb

Petn No. 2582 of 96-97

Petr Syed Gani Khan

Appeal against the order of the Dy Comr Mysore dt dated 16-11-96, directing that land S.No 113 should be reserved as Panchayat pond it contains a pond of public utility

Petn on the finds appeal of the petr against the order of the Dy Comr directing the sale of the land in question by public auction, a report was called by the Dy Comr (in this no. too of 21-9-96) wherein he says that the petrs grand father had constructed the pond reported to, that all the survey letter with the pass the portion of land round the pond was classed as kharab and left unassessed as the pond was useful for men & cattle - that at the petrs request to grant the said land free of assessment by reason of the pond having been constructed by petrs grand fathers - the point being whether

by his gotapallion, the Government officer granted the land to him on condition of the petn. building to repair the pond and planting fruit-bearing trees on the land round the pond. Against the petn's appeal against the said order, order was passed by the Dy Comr to sell the land by public auction there were two applicants for the bid. — But the Dy Comr himself in the above report admitted that his order was wrong as it was passed by him under the impression that the land in petitioners adjacent land was also subject to another's claim —

Hence the matter was again referred to the Dy Comr (vide Pro. 3874 of 8.10.28) for p.583 remits in of his order — who has passed the order under appeal —

On the complaint of Vannamuthu Sabi, against the same order, the Dy. Comr has been asked to report under what authority the land has been

(3)

been reserved as reserved land from being given over for cultivation. The report has not yet been received.

2/3/97

When pet^r first appealed against D^r Comm^r's order, the case was remanded by the D^r Comm^r who doubted the correctness of this order. The revised order does not admit pet^r's claim and treats the land question as regards waste (as it stood according to settlement papers)

Sidey settlement seems to have been introduced in 1893–94 + the pet^r advanced his claim in 1894 [illegible] within 2 years

The facts as given in Gr no 3814 p 583 & 4/1096 show that pet^r's ancestors built upon the land without authority

Sir J. G. Wallis

Read 12/3/97 [illegible] 27/3/97

Let the matter be heard in due course [illegible] + notices to all concerned [illegible]

24/3/97

4

The Dy Comrs' order reserving this land No. 113 for a village Zore and bund is approved & this appeal is dismissed. The Dy Comr may however take action to have trees planted and the Zore properly enclosed. Nanoo Mirja is willing to plant the Zore, & he may be permitted to do so. He should however understand that the Zore and the bund are to be dedicated to the Public charity. Syed Yam Saheb has refused to plant a Zore.

26/4/97

Prop. & Ests drafted

26/4/97

Before the Government of Mysore.

Appeal No. 98/92 of 1896-97.

Appellants Vs. ~~Respondent.~~

(1) Nanunnia Sah
(2) Syed Ghani Khan } Two separate cross appeals.

Hiriyanal, Malvalli Taluk

Subject:- Dispute regarding their claim to S. No. 113 of Hiriyanal village

List of English papers in the file

(1) Govt. Pro. No. 3874 / A.583 dt 8-10-96.
(2) Nanunnia Sahib's petition
(3) Official Memorandum
(4) Syed Ghani Khan's petition
(5) Office Note
(6) Official Memorandum.
(7) Mysore Dy. Com's report No. 5538 dt 19-4-97
(8) " " 1581 dt 29-4-97

(1)

1895

Stamp sufficient
& time.
Subs for orders
12/12
Tahd Bd Councilla.
A pc to art with
send may be called
for, & the Subl orders
the r/a & Gd Reading &
another & d copy of Govt
12-12-95
Yes
mc&
13/12/95
13/12/95
L.R. 133-95-1
12/12/95

No. 2062.

Name of Petitioner, Syed Gaunie Khan Saib

Village, Kiragaval

Taluk, Nalvalli

District, Mysore

Date of Arzi, 10-12-95

Date of Receipt, 10-12-95

Date of Disposal,

No. of Enclosure, 10.

ABSTRACT.

Appealing against the order of the Mysore District Dy Comr regarding certain lands situated round the pond, alleged to have been built by the Petrs ancestors, which have been ordered to be put up to auction.

States that his grandfather Meer Nizam Syed Mahomed Khan Bahadur built, at a cost of Rs 3000 to Rs 4000, a Mosque for a charitable purpose viz: for the use of the people and cattle of the above village and had also allowed some

lands

lands around it; that for the last 100 years and upwards
were allowed to remain as such; that subsequently cultiva
having increased round the Kunte, Petrs son Hassumia c.
to then Amildar Jamaan Khan Saheb to the effect that
counter-petitioner and his brother were encroaching u
lands and consequently the Kunte was in danger; that
Amildar having decided that the lands should be left a
the same was enquired into during the Kurzer Jamabandi
the lands were set apart, the Petr being allowed to plant t
that accordingly Petr began to plant topes which the counter-
and his adherents destroyed; that subsequently in 1893-9
counter-petitioners party having applied for these lands, the Sub-
Officer of French Rocks refused to grant them to the app
and ordered to allow them to remain as per Inamul th
being empowered to plant topes and improve the la
that lately the counter-petitioner, with the intention of
the Petrs charitable purpose, having applied for these l
cultivation, the then Sub-Division Officer, in spite of the
-dar's report to the effect that the Kunte was of primary
-portance to the village, permitted him to throw a fence a
the Kunte; that the counter-petitioner having re-applied
lands, the Sub-Div Offr referred the matter to the Dy C
who, ~~ordered the Amildar~~ in reply, wrote, bipne order
Amildar to put up the lands to auction; and that
the Petrs appeal to the Dy Comr he was informed that
more could be done on the matter.

Further states that the sale of the lands is posted to 5th

1896. Prays that the lands around the Kunte, set
for a charitable purpose, may be continued and that th
sale, which is posted to 5th Jany 1896, may be delayed
the disposal of this appeal.

Vijayan C/No. 20 Stack
18-12-95

8 C/No. 16 (2)

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 2042

dated 10 Dec. 1895 received at the

Dewan's Office from Lyer Gauri

Khan Sait, Kirangandur

Malavalli Taluk, appealing

against the Dy. Commrs order

directing the sale of certain lands

in the said village endorsed by

the Petitioner's vakeel for Chan-

dala purposes & praying that

the sale which is to take place on 5th

January 1896 may be stayed

is forwarded, together with its ten

enclosures, to the Dy. Commr -

Chigare for report for sub-

mission of the entire pro-

ceedings connected

with together with a full

report of the facts of the case

and on the points urged in

the petition. The sale fixed

for the 5th January 1896 should

be stayed pending disposal

of the appeal

2. The petition with its

enclosures should be returned

By order,

Draft

Camp Nagar

BANGALORE, } Revenue Secretary.

14 12 1896

Cr

SVR

14/12

Dr.

ed with reference to
ue Councillor's
n the abstract of petition
-12-95

under the circ
stances said
and the papers
back with
orders to
his own order
after receipt
orders 24th
[illegible] R. 133-95
Encl [illegible]
Rec'd
20.9.96

[illegible] drafted

2307.
1896.97 Pet 191

From

The Deputy Commissioner
of the Mysore District.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

Dated 21st
Despatched } September 1896.
Received

Enclosures No. Petn No. 2062 with its Sr. & Canarese papers

No. 600.

Reporting on the petition of Syed Gunni Khan Saheb of Kinagadu in the Malavalli Taluk.

P. A. Board
20-9-96

Referring.
Rajg
28/9/96

No. 600.
Ex. Pcdg No. 2042
with its enclosures
Assurance papers.

Deputy Commissioners Office,
Mysore District.
Dated Mysore 2nd September 1896.

To,
The Secretary to the Government
of Mysore
Revenue and General Depttt

Sir,

With reference to your official Memo
C.No. 6 dated the 1st December 1895 (and reminders
as per margin) forwarding for report the
petition of Syed Ganiekhan Saheb of Kir-
gani in the Krishnaraja taluk, appealing
to Government against the order passed
here for the sale of a certain unassessed
waste land in that village, beg to
state as follows:-

2. Previously the land in question was
a part of the holding of one Kamamuniya.
Syed Mahomed Khan, the forefather of
the petitioner, constructed a pond (Sr No 8)
in it. At the Survey settlement also the
whole of the holding was made into a
survey (No 113) and the part of it in which
the

No. Rev 599 dated 3rd March 1896
Pet 350 dated 28th August 1896.
Divided survey No 113.

This does not seem to be correct. From the Mysore petition & Govt's report of 14/12/1895 it does appear that the land was part of the holding of Kollam Kamamuniya - Krishnamurthi No 113, which was given to Syed Mahomed Khan for the pond (Sr No 8) under Govt order of 2-5-1879. Thereafter Khan's heirs and assigns held No 113 and sold a portion of No 113 to Ganiekhan and others. Ganiekhan's portion is now No 113 (part) a separate survey number.

the pond had been constructed as also some land round it was classed as Kharab and left unassessed as the pond was useful for men and cattle. Soon after that the son of the holder of the land applied that the portion of his holding left as Kharab owing to the existence of the pond in it, might also be assessed as before. Thereon the petitioner requested that that bit might be assessed and given him by reason of his forefathers having constructed the pond in it. The Jamabandi Officer ordered that the latter's request might be complied with, on the condition of his repairing the pond and planting fruit-bearing trees on the land round it classed as Kharab. The said descendant of the holder of the land thereon appealed to this office. I ordered that there being two applicants for the bit, it might be sold. I must admit that my order is not correct. As the land

had

He assessed Rs. 1½ Act — 1/60 of Rs. 113

had been in the holding of the said descend-ant and the Survey department had allowed it to be in his number and had only classed it as Kharab owing to the existence of the pond in it, I might and ought to have left it as before, and merely cancelled the order of the Jamabandi Officer directing the registration of the land in the petitioner name. I am unable to say why I passed the above order. I was probably under the impression that the bit in question was a separate Government waste subject to no body's claim.-

3. The record of the case and the petition &c received with your Memo under reply are herewith submitted.

4. The sale of the land has been held in abeyance.-

I have the honor to be
Sir,
Your most obedt Servant

Venkatarangiah

Comptd.
Rly.

Dy Commissioner of the
Mysore District

13

3. [illegible]

4. [illegible]

5. [illegible]

6. [illegible]

(7)

Proceedings of the Court
Salyssore

Read:-

L.R. 133-95-4

Petition Regd No 20422 of
10th December 1895 from Syed
Ghani Khan Sub of Kirgaval
Malavalli Taluk, appealing
against the order of the Dy.
Commissioner, Bangalore
District, directing the sale
in Kirgaval
by auction of 2 Decs 11 Gs in which
a Kunta constructed by
his grandfather for the use
of men and cattle, watered

(2) Records received with
letter No 600 dated 21st
September 1896 from the
Deputy Commr Bangalore District
in which the facts after to be
briefly as follows:

The pond in question
was built by Petitioner's
grandfather on land bearing
Survey No 2, the halla of
which stood in the
name of one Khasim
Saiyad. Out of the 10 Kolagas
P
10 of land comprised

in the said number, 2-15 3/4 Kdg. P
of land was set apart for the
purposes of the pond by order
of the Amildar, and shown
as such in the Vattavari
accounts, but no corresponding
deduction was then made in
the assessment of the said number.
In 1873-74, the Pattadar
son named Kanna Naiju
made an attempt to fill
up the pond, but the
Jamabandi Officer on
enquiry found that the
pond which was of great
use to the villagers, had
been constructed at a
large outlay with the
consent of the then Pattadar
Khanna Naiju, and, to
prevent Kanna Naiju's
interference with it, he
ordered on 4th March 1874
that the 2 ~~and~~ odd Kolgas
of land set apart for it
should be excluded from
his Patta. Accordingly
a sum of ~~Rs~~ 1-6-8
was deducted in account

of the said 2 odd Kalagas of land, in, and from the Dimmukha from the demand against Khanu Miya's sons, and the said piece of land, upon which the Petitioner was required to plant a tope, was thrown open for the use of the public. The land was thenceforward lying waste and used to be included in the Govt Hulbanni sales. At the Survey Settlement, the land containing the pon comprising a 1-39, was given S. No 113, and assessed at Rs 1-8-0. It continue to be waste, and in Novr 1894, Nanu Miya applied for it for cultivation. He urged that it was the land taken away from his holding in Dimmukha without payment of any contribution,

Whereabouts this? In 1893-94

but

but this application was opposed by Petitioner. The Jamabandy Nawis, after personal inspection, ordered that the land should be entered in the Khata of the Petitioner for the year Mannatha and that petitioner might repeat his prayer for remission of assessment after executing the necessary repairs to the pond and planting the tope. On appeal the Dy: Commr ordered that the land should be sold by auction; but in submitting the records, he states that his order is not correct.

P

Order Re 3814/P.583 & 8.10.96

Under the circumstances Explained, the papers will be sent back to the Deputy Commr: in view to his reversing his order after issuing notices to both parties.

Re Draft C2

7/10

for Secretary

20/10 The Dy Commr Report Dated with Records

received 19/10/96 KA.

19-10-94

(6)

L.R. 133-95 సం

[illegible]

By order

[illegible]

Secretary

[illegible]
3/10/96

1896 (8)

No. H-88 R 98/p

Name of Petitioner Nallamuniyasalu

Village Kirgaval

Taluk Nelamangala

District Bangalore

Date of Arzi 29-11-96

Date of Receipt 23-11-96

Date of Disposal

Nature of Enclosure

ABSTRACT

Rec'd 6.20 Pm
10/12/96.

Sd/-

in reserve. Accordingly orders have been issued to the Amildar to keep the Survey no 113 in reserve.

The grounds of appeal are as follows:

(1) That the Survey no 113 has in the enjoyment of the petitioner for a long time.

(2) That for the purposes of public utility there are several other pieces of land than the Survey no 113

(3) That the Survey no 113 should be taken away from the petitioner without compensation or without giving another piece of land in return, is not just.

M.V.
25/11/96

24

1585

Barkhed's representation with the subsequent documents attached

21/11/96

PETITION DEPARTMENT
REGD. NO. 1585/96
DATE 23-11-96

Pimelo, one also attempted the same plaint but withdrawn subsequently

24/

26

No. Pet 948 Appl 9

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

L-R-133-95-7

OFFICIAL MEMORANDUM.

The accompanying Petition No. 15881
dated 19th Nov 96 received at the
Dewan's Office from Ammiah
Lajb-Lon of Bhammiah
Lajb of Kenjaial Malvalli
Taluk Mysore Dt, appealing
against the order No 7350 of
14-11-96 of the Deputy Commr
Mysore District.

is forwarded, together with its one
enclosure, to the Deputy Commr
Mysore Dt with request
that he will be so good as to
report under what is
authority he has resumed
attached land from being
given out for cultivation.
His attention is drawn to
section 39 of the Land Revenue
Regulation.

By order,

Dep Secretary.

BANGALORE,
18th Dec 1896

Draft
60

fact & enclosures are also previous ...es on this subject.

(Sd) V. P. P.
20/2/97

...ness
...14 ✓

L.R. 133-95-8

...ok
...Copy ✓
...2 are put up
...2/97
...opposite party Hon'ble Secretary
...case for disposal.

...Petn & enclosures and documents in three-fold have to be perused.

MM 25/2/97

...Mr. Price
...Lamb Esqrs
...Appeal against Dy Comm's order rejecting petr's claim to a piece of waste land (claim suspended within 2 years of the survey settlement)
...Comm's proc's
...Petn & 2nd Comm's order with ...notice
MM 11/3/97

1897

No. 2582

Name of Petitioner Syed Ganni Khan
Grandson of late Syed Mummera Md Khan

Village Kenegunal

Taluk Heralavally

District Kingsore

Date of Arzi 5-2-97

Date of Receipt 10-2-97

Date of Disposal

No. of Enclosure 1

ABSTRACT.

...appeal against Recorder's
...Dy Comm's order of 16/11/96
which is as follows:—

"Heard Syed Ganni Khan and
...Mummigga — the land in
question has been in the possession
of Mummigga and his an-
-cestors from time immemorial.
Since Syed Ganni Khan's people
constructed a pond in the land,
the latter was removed from the
the Khata of the Pattadar according
to the wishes of the said Ganni Kh
by the then Officers viz
the Jamabandy Officer and clas
it as Banjar. During the
survey settlement — no 113 was
Given to the land and out of
extent 1a 39m of the land,
of the pond was deducted,
the rest being classed as Kh

and Rs 1-8-. charged thereon with assessment. when the said Syed Gamni Khan whose ancestors had constructed the pond therein prayed for its being put into his possession, the Ganjabundi officer passed orders in 1894-95 that his prayer should be granted. Subsequently Ramanuja appealed against this order on the ground that the land belonged to his ancestors from time immemorial and that the then Heirs had encroached from his khata without his consent praying at the same time that the land might be granted to him instead of the Gamni. We gave orders for the decision of the case by means of auction sale since two durkhasts were presented for the same land. Syed Gamni Khan then appealed to Govt who referred it to us again for review with their No 3814, dt. 583 of 8-10-96. We therefore ordered that since the land S. no 113 has been found to be of very great use to people and the grant of the same to any one party would only inconvenience the inhabitants, it would be better to reserve it as it is as Banjar and the amildar should be instructed to give effect to this order."

(a) Petitioner urges that:-
the sub-division officer, Tenkodis stayed the auction sale of the land according to the order of the Deputy Comm^r in spite of the Govt order to the Dy Comm^r & ~~subsequent~~ Govt no $\frac{2042}{70}$ of 3 Oct 1936 granted to him for his information, ~~the~~ directing the disposal of the case after issuing notices to the parties and conducting due enquiry.

(b) The Deputy Comm^r accordingly issued notice to the parties and conducted their enquiry, but without perusing any records or papers in his possession believed the statements of the said Nanna Naiga to be true - and while it has been decisively proved that he (Nanna Naiga) had no right whatever to the land, the Dy Comm^r has erred in not having acknowledged Petr's claim in the same way as he has done with the other man.

(c) The land in which the road was constructed

was in the holding of the
Petr grandfather and
when the pond was dug
the Guildar inspected
the land in person and
then deducted the extent
of 2 3/4 of own Kandies from
the total and since that
time the ~~land~~ land has
been in the management
of the Petr & his ancestors.

D — Since then the pond
~~has been~~ of very great
use to the inhabitants
and there was no want
of cleanliness there.

E — The land has
~~accordingly~~ lately been brought
to the list of Govt Paniya
by the order translated above.
So that the water of
the pond is being
used ~~for~~ by the people
for very bad and
dirty purposes which
has given rise to much
sickness & inconvenience.

32

2582

By hand
delivered
with two annexures
Haneets attached

Abhaat
Submit
there are no
objections
raised on
this subject
10/2/97

10/2/97

A.S. 10/2/97

a.

Q. 5 — 2 — 44 Marks

Write short notes on any four of the following :

(a) Explain the concept of Fiscal Federalism in India. Discuss the role of Finance Commission in India.

(b) Explain the concept of Public Debt. Discuss the causes of increase in Public Debt in India.

(c) Explain the concept of Public Expenditure. Discuss the causes of increase in Public Expenditure in India.

(d) Explain the concept of Public Revenue. Discuss the sources of Public Revenue in India.

(e) Explain the concept of Budget. Discuss the Budget Deficit in India.

(f) Explain the concept of Public Goods. Discuss the Theory of Public Goods.

34

L R 133-98-7

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition

Registered No. [redacted] dated [redacted]

received at the Dewan's Office from

[redacted]

is forwarded, together with its enclosure, to the Deputy Commissioner of [redacted] District for submission of the entire proceedings connected with the case.

2. The petition with its enclosure should be returned.

By order,

Chief Secretary.

BANGALORE,

189 .

M.G.C.P.B.—25-4-95—1,000

27-4-97

With reference to the
note

Smante for posting
28/4/97

id to 28th June 1897 at Bangalore

L.R. 133-95-10

issued

1896-97. Pet 7026/639

From

The Deputy Commissioner
Dharwar District.

To

The Secretary to the
Government of Bombay
Revenue & General Depts.

Dated 19th April 1897.

Despatched

Received

General No. 1559
No.

Enclosure No. 1 file

Reporting on the petition
of Ramanna Salib of
Kirgaval Malvalli taluk
and why unassessed land,
was reserved from being
given out for cultivation.

Petition March
24/4/97

DF 61/95 put up
AK
27/4

Mysore District.
Deputy Commissioner's
office

No: 1559

Dated 19th April 1897.

From, The Deputy Commissioner
Mysore District.

To, The Secretary to the
Government of Mysore
Revenue & General Depts.

Sir,

With reference to your
official Memorandum No: Pet.
948
dated 8th December 1896, forward-
ing for report the petition of
Nammuria Sahib of Nirgaval
and enquiring under what
authority an assessed land
was reserved from being given
out for cultivation, I have the
honor to state that the piece of
land in Nirgaval in the Malvally
Taluk alluded to by the petitioner
such

which measures 5 guntas and
which contains a pond is classed
as pivot kharab at the Survey
settlement and is thus not an
assessed land actually though
included in Survey No. 113 which
stands in the name. From the
records hereto submitted,
it will be seen that Survey No
113 measures 1 acre and 39 gun-
tas of which 5 guntas have been
entered as pivot kharab and
deducted from the total extent the
assessment of Rs 1-8-4 thereon having been
fixed on the remaining arable
land alone viz 1 acre and 34 guntas.
The land was for nearly 20 years
before the survey settlement
treated as a Government waste
land. The inclusion in Survey
No. 113 at the settlement wrongly
induced

aggrieved the petitioner by the order
dated 6th October 1995 in the petitioner's com-
plaint of the loss of the land from
his holding without payment of
any compensation is untenable.
2. Secondly doubting whether under
the above circumstances, the land
in question may be treated as
private land or as land in the
lawful occupation of a private
person mentioned in Section 39
of the Land Revenue Code. The case
appears to be governed by para
XVI of the Revenue Rules.

2. The order now appealed
against by the petitioner was passed
by my predecessor after enquiry
of both the parties, as per Government
Order No: 3814 dated 6th October 1995.
P.583

3. The petition received with
the memorandum under reply
and the vernacular records
connected

connected with the case are herewith submitted.

I have the honor to be
Sir,
Your most obedient Servt

W. Shaw Rees
Deputy Commissioner
Mysore District

Compd Ltd

Ld

189

From

REVENUE DEPARTMENT
Gl. No. 6491
Ret 637
24 APR 37
CHAIRMAN'S OFFICE
Mysore District

The Deputy Commissioner,
Mysore District.

To

The Secretary to the Govt. of Mysore,
Revenue and General Departments.

L.R. 133-95-11

Dated 29th

Despatched 24 April 37

Received

General No. 1581
No.

Enclosure No. 2

Stating that the Proceedings in connection with the petition of Syed Jani Khan s/o Liyavat Khan alias Lalu have been submitted

Petition

Recd 26/4

RJ 65

DF 61-896 put up

AK
26/4.

No. 1581
Enclosure No. 2

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Mysore 2nd April 1897.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

SIR

With reference to your official memorandum No. Pet. dated the 3rd March 1897, forwarding for submission the Proceedings the petition of Syed Gani Khan of Kirgaval in the Malavalli Taluk, in regard to a portion of Survey No. 115 in the said village having been reserved as a Government site, I have the honor to state that the proceedings have been this day submitted with the report called for in connection with the Counter petition of Nanumia Sahib of Kirgaval, on the same subject, vide this office No. 1559 dated 20th instant.

The petition received with the Memo under reply is herewith retransmitted.

I have the honor to be,
Sir
Your Most Obdt. Servant.

for Deputy Commissioner
of the Mysore District

Capt. Watts

(16) 3 drafts

42 — Proceedings of the Govt of Bayana

L.R. 133-95-12

Read

(1) Petition of appeal No. 98/15-82 of 1896-97, presented by Vanna Shiya Sab of Kirlyana, Kalivalli Taluk, appealing against the order of the Deputy-Commissioner of Bayana directing that Survey No 113 of the village should be treated as Govt waste and

(2) Petition of appeal No. 25-82 of 1896-97 presented by Syed Gani Khan of the same village, against the same order of the Deputy-Commissioner, praying that the land might be granted to him for planting a charitable tope around the pond in the land

(3) Letter Nos. 157 and 158 dated 17th and 29th April 1897 from the Deputy-Commissioner, Bayana District, reporting on the above petitions.

(4) Record of the case.

Order thereon. No. 9/a
Dy. 61-36 & 22-7-37 Final Urder 2

42

In a part of Respondent's Khiraj-ul which was in the holding of Nanna Mayi's father, Appellant was constructed by the grandfather of Syed Ghani Khan, and consequently, 2 and odd Kolies was added apart- for the ~~[illegible]~~ the pond. In 1874, this piece of land was excluded from the holding of Nanna Mayi, the then Khatedar and was thrown open for public use, the proportionate assessment of Rs 1-6-9 having been deducted from the demand against him. The land was thenceforward lying waste, and ~~used~~ to be ~~included~~ in At the Survey Settlement in 1893-94, this piece of land measuring A. 2-9 was given S. No 113 and was assessed at Rs 1-8-0, the area covered by the pond, Standing being treated as Pond-Kharaba. In 1874, Nanna Mayi applied for the

the land for cultivation, and urged that it was taken away from his holding without payment of any compensation, but his application was opposed by Syed Ghani Khan who offered to repair the pond and plant a tope around it and prayed for grant of the land free from assessment. The Jamabandi Officer ordered that the land should be entered in the Khalsa of Syed Ghani Khan and that he might repeat his prayer for remission of assessment after executing the necessary repairs to the pond and planting the tope. On appeal the Deputy Commr ~~ordered~~ directed disposal of the land by public auction. But in revising this order, under Govt Orders No $\frac{3814}{P.583}$ 98.10; passed on Syed Ghani's appeal, the Deputy Commr ordered that as the pond was very useful to the people and as the grant of the land to any private

individual was likely to cause WS
inconvenience to them, the land
should continue as Govt waste.
Both parties have preferred appeals
against this order.

2. ~~Govt observe that the~~
Deputy Commr's order reserving
this [redacted] No 113 for a village
tope and pond is approved
and these appeals are dismissed.
The Deputy Commr should
however take action to have
trees planted and the tope
properly conserved. Nanniu
Naiya is willing to plant
the tope, and he may be
permitted to do so. He should
however understand that
the tope and the pond are
to be dedicated to the
Public charity. Syed Gani
Khan has refused to plant a
tope

Draft-

For Secretary

To
The Deputy Commr
Mysore District with records.

+ ಡಿ ೦ ಎಲ್ಲಾ ಜಿ ಡಿ
ಎಲ್ಲಾ ಜಿ ಡಿ

(15)

46

29-7-97

L R. 133 ಕ್ಲಾಸ್ 13

W7

[illegible]

[illegible]

[illegible]

[illegible]

By order

Draft-

For Secretary

19/7/97

(14)

133-95-14

22/7/97

19

3 draft orders for ag

J Hunt
MN 20/7/9